

Remarks

This Amendment is in response to the Office Action dated **June 25, 2008**. The Office Action rejected claims 1, 91-92, 94-96, and 98-101 under 35 USC § 102(e) over Nolting et al. (US Pat. No. 6,488,701), rejected claim 93 under 35 USC § 103(a) over Nolting et al. in view of Ding et al. (US Pat. No. 6,620,194), and rejected claim 97 under 35 USC § 103(a) over Nolting et al. in view of Jang (US Pub. No. 2004/0106985).

Applicant hereby amends independent claim 1 and adds new claim 105-108. Support for these amendments can be found in the specification at least on page 5, lines 15-17, page 6, lines 28-29 and in Figures 1 and 11 as well as in the claims of the application as initially filed.

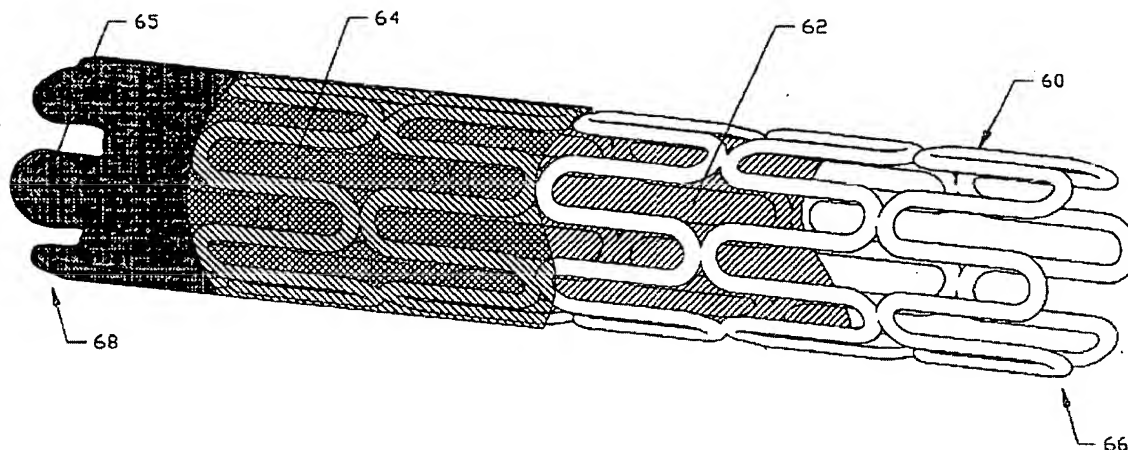
Applicant submits that Nolting et al. do not disclose or suggest all the elements claimed in independent claims 1 and 105; Applicant therefore requests reconsideration in light of the foregoing amendments and following comments.

Section 102(e) Rejections

The Office Action rejected claims 1, 91-92, 94-96 and 98-101 under 35 USC § 102(e) over Nolting et al. The Office Action asserts, referring to Figures 8-9, that Nolting et al. “disclose the membrane may be present only on the luminal or vascular surface such that the opposing surface is free of biocompatible material.”

Claim 1 has been amended to recite that the stent is free of the biocompatible coating on the metal inner surface and metal outer surface of the middle portion. Nolting et al. do not disclose all the elements of amended independent claim 1. Therefore, Applicant requests reconsideration.

FIGURE 8



Nolting et al. do not disclose a stent having a biocompatible coating directly on at least a metal outer surface of a first end portion, wherein both the inner and outer surfaces of the middle portion of the stent are free from the biocompatible coating, as is recited in amended independent claim 1. Referring to Figure 8 of Nolting et al., the membrane 64, identified in the Office Action as a 'coating',¹ covers the luminal surface, the vascular surface or both the luminal surface and the vascular surface and extends over the middle portion of the stent². See column 5, lines 45-46; see also Office Action pages 2-3, paragraph 4. Therefore, Nolting et al. do not disclose all the limitations of claim 1.

Consequently, Applicant requests withdrawal of the rejection and reconsideration of independent claim 1. Applicant further requests reconsideration of dependent claims 91-92, 94-96 and 98-101 which depend from claim 1. Dependent claims 91-92, 94-96 and 98-101 are patentable for at least the reasons discussed with respect to independent claim 1.

Section 103(a) Rejections

CLAIM 93

¹ Applicant notes that the Examiner has already stated that "[m]embrane 64 is not considered by Nolting nor the Examiner as a coating as claimed." See Office Action dated January 10, 2008.

² Figure 8 is a partial, progressive cutaway view. Thus, the membrane 64 extends beyond that which is shown in the figure.

The Office Action rejected claim 93 under 35 USC § 103(a) over Nolting et al. in view of Ding et al. (US Pat. No. 6,620,194). Applicant requests reconsideration.

Claim 93 depends from claim 1 and therefore includes all the limitations of claim

1. As discussed previously, Nolting et al. do not meet all the limitations of independent claim 1. Ding et al. do not remedy the deficiencies of Nolting et al. Therefore, Applicant requests withdrawal of the rejection of claim 93.

CLAIM 97

The Office Action rejected claim 93 under 35 USC § 103(a) over Nolting et al. in view of Jang (US Pub. No. 2004/0106985). Applicant requests reconsideration.

Claim 97 depends from claim 1 and therefore includes all the limitations of claim

1. As discussed previously, Nolting et al. do not meet all the limitations of independent claim 1. Jang does not remedy the deficiencies of Nolting et al. Therefore, Applicant requests withdrawal of the rejection of claim 97.

Conclusion

Based on at least the foregoing remarks and amendments, Applicant requests withdrawal of the rejection of claims 1 and 91-101. Favorable consideration and prompt allowance of claims 1 and 91-108 is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: November 25, 2008

By: /Jonathan Grad/
Jonathan Grad
Registration No.: 41795

6640 Shady Oak Dr., Suite 400
Eden Prairie, MN 55344-7834
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
f:\wpwork\jg\06533us04_amd_20081125.doc